

## REMARKS / ARGUMENTS

### **Status of Claims**

Claims 1-28 are pending in the application. Claims 1-28 stand rejected, by this amendment, Claims 29-30 have been added, leaving Claims 1-30 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §103(a), have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

### **Rejections Under 35 U.S.C. §103(a)**

Claims 1-6, 8, 10-19, 21-24 and 26-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Miyaji et al. (U.S. Publication No. 2003/0230998, hereinafter Miyaji) in view of Brotto (U.S. Patent No. 7,102,303, hereinafter Brotto).

Regarding Claims 1-6, 8, 10-19, 21-24, 26-27, the Examiner acknowledges that Miyaji is deficient in anticipating the claimed invention and does not specifically disclose the a-power terminal adapted for sending power to the motor control and looks to Brotto to cure this deficiency.

Claims 7, 9, 20, 25 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Miyaji in view of Brotto as applied to Claims 1, 4-6, 8, 15-19 and 26-27 above, and further in view of Olesen et al. (U.S. Publication No. 2002/0151993, hereinafter Olesen).

Regarding Claims 7, 9, 20, 25 and 28, the Examiner acknowledges that the combination of Miyaji and Brotto does not show the claimed limitations of Claims 7, 9, 20, 25 and 28 and looks to Olesen to cure this deficiency.

Claims 2 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Miyaji in view of Brotto as applied to Claims 1, 3, 15 and 21 above and further in view of Conoval (U.S. Patent No. 6,400,903, hereinafter Conoval).

Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention in such a manner as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

With respect to Claims 1-6, 8, 10-19, 21-24 and 26-27 in light of Miyaji in view of Brotto

Applicant respectfully submits that independent Claim 1 is not obvious in light of Miyaji in view of Brotto. Miyaji discloses a distributed control system for the control of multiple motors such as in a robotic or automated apparatus. More specifically, Miyaji discloses a system that reduces the load on a host computer and reducing the communications loads on the system. Examiner states in the Office Action that Miyaji discloses a microcontroller adapted for sending a programming signal from the computer to the motor control in response to the programming signal being sent within a defined time following the control element turning on power to the control motor. Applicant respectfully disagrees.

Miyaji teaches a system of controlling multiple motors within a system. The system includes a microprocessor (62) that selects the appropriate motor control command from a library and sends it to a motor driver (68) to drive a motor. The programming parameters are transmitted to the motor control in response to an environmental recognition result, such as an image processing PC 34 or a sound processing PC 40 [Miyaji, paragraph [0081] – [0082]].

In contrast to independent Claim 1 which includes a limitation that the programming signal is sent within a defined time period after turning on power to the motor control, Miyaji does not disclose, teach or suggest such a limitation. Applicant respectfully submits that microprocessor of Miyaji will transmit a programming signal in

response to an environmental factor and that such programming will occur irrespective of time or whether the power has been turned on or not. Miyaji discloses that the control system is used in a robotic system. Applicant respectfully submits that a robot would not function in the manner described by Miyaji if the power was removed from the motor control each time a different programming parameter was transmitted. Accordingly, Applicant respectfully submits that the obviousness rejection is improper since Miyaji in light of Brotto does not teach, disclose or suggest each and every element of independent Claim 1.

With respect to independent Claim 15, applicant respectfully submits that Claim 15 is not obvious in view of Miyaji in light of Brotto. Independent Claim 15 provides a method for programming a motor control of a motor. Applicant respectfully submits that neither Miyaji nor Brotto disclose a method of receiving a programming signal from a computer within a defined time following power being provided to the motor control. The burden is on the Examiner to make a prima facie showing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03. Applicant respectfully submits that neither Miyaji nor Brotto teach, suggest or disclose a method of testing a cable connection and therefore the obviousness rejection is improper. Reconsideration and withdrawal of the rejection of Claim 15 is respectfully requested.

With respect to independent Claim 26, applicant respectfully submits that Claim 26 is not obvious in view of Miyaji in light of Brotto. Independent Claim 26 provides a method for testing a cable connection between an interface and a motor control. Applicant respectfully submits that neither Miyaji nor Brotto disclose a method for testing a cable between an interface and a motor control. The burden is on the Examiner to make a prima facie showing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03. Applicant respectfully submits that neither Miyaji nor Brotto teach, suggest or disclose a method of testing a cable connection and therefore the obviousness rejection is improper. Reconsideration and withdrawal of the rejection of Claim 26 is respectfully requested.

Applicant respectfully submits that dependent Claims 2-6, 8, 10-14, 16-19, 21-24 and 27 which depend directly or indirectly from independent Claims 1, 15 and 26 include all the limitations of the parent claim and additional limitations not shown in the prior art. For the reasons stated above with respect to independent Claims 1, 15 and 26, Applicant respectfully submits that dependent Claims 2-6, 8, 10-14, 16-19, 21-24 and 27 are not obvious in light of Miyaji in view of Brotto. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

In view of the foregoing, Applicant submits that the References fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the patent Applicant has done, fail to recognize a problem recognized and solved only by the present invention, fail to offer any reasonable expectation of success in combining the References to perform as the claimed invention performs, fail to teach a modification to prior art that does not render the prior art being modified unsatisfactory for its intended purpose, and discloses a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be traversed.

With respect to Claims 7, 9, 20, 25 and 28 in light of Miyaji in view of Brotto in further view of Olesen

Applicant respectfully submits that dependent Claims 7, 9, 20, 25 and 28 are not obvious in light of Miyaji in view of Brotto in further view of Olesen. Claims 7, 9, 20, 25 and 28 all depend indirectly from independent Claims 1, 15 and 26 and therefore inherit all of the limitations of the parent claims. Applicant respectfully submits that the addition of Olesen does not cure the deficiency sought by the Examiner. The combination of Miyaji, Brotto and Olesen does not disclose, teach or suggest the sending

of a programming signal within a defined time period after turning on power to the motor control. Nor does the cited combination disclose, teach or suggest a method of testing a cable as claimed in Claim 28. Without such a disclosure, teaching or suggestion, the cited references fail to teach or suggest each and every element of the instant invention in such a manner as to perform as the claimed invention performs. Applicant respectfully submits that the burden of establishing a prima facie case of obviousness has therefore not been met. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

With respect to Claims 2 and 22 in light of Miyaji in view of Brotto in further view of Conoval.

Applicant respectfully submits that dependent Claims 7, 9, 20, 25 and 28 are not obvious in light of Miyaji in view of Brotto in further view of Conoval. Claims 2 and 22 depend directly or indirectly from Claims 1 and 15 and therefore inherit all of the limitations of the parent claims. Applicant respectfully submits that the addition of Conoval does not cure the deficiency sought by the Examiner. The combination of Miyaji, Brotto and Conoval does not disclose, teach or suggest the sending of a programming signal within a defined time period after turning on power to the motor control. Without such a disclosure, teaching or suggestion, the cited references fail to teach or suggest each and every element of the instant invention in such a manner as to perform as the claimed invention performs. Applicant respectfully submits that the burden of establishing a prima facie case of obviousness has therefore not been met. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

In light of the forgoing, Applicant respectfully submits that the Examiner's rejections under 35 U.S.C. §103(a), have been traversed, and respectfully requests that the Examiner reconsider and withdraw these rejections.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130. In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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